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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,696	10/27/2006	Guido Cappellotto	C&P-146US	6770
23122	7590	09/26/2008		
RATNERPRESTIA			EXAMINER	
P O BOX 980			BELLINGER, JASON R	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			3617	
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			09/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,696

Applicant(s)

CAPPELLOTTO ET AL.

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) 6-8 and 16-19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 and 9-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Election/Restrictions

1. Applicant's election without traverse of the species shown in Figures 3-8 in the reply filed on 16 July 2008 is acknowledged.
2. Claims 6-8 and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 16 July 2008.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Italy and the European Patent Office on various dates. It is noted, however, that applicant has not filed a certified copy of any of the foreign applications as required by 35 U.S.C. 119(b).

Claim Objections

4. Claims 1-2 are objected to because of the following informalities: In claim 1, the phrase "stud-bolt-type" should be removed for clarity.

In claim 2, the phrase "stud-bolt-type" should be replaced with the term -- threaded-- for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9-10 are indefinite due to the fact that it is unclear how the terminal element is provided "at the end remote from the shaft" given the fact that the terminal element is actually attached to the shaft. It is unclear how the terminal element can be "remote" from the shaft to which it is attached.

Claim 15 is indefinite due to the fact that it is unclear what is actually being claimed by the phrase "stud-bolt-type connection". It is believed that this phrase should be replaced with the phrase --threaded connection-- to more clearly define the invention.

7. The term "firmly" in claim 15 is a relative term which renders the claim indefinite. The term "firmly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. No qualitative or quantitative limitations have been provided to clearly define this term.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 10, and 12-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wilske. Wilske shows a spoke having all of the structure as set forth in the above claims.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilske. Wilske does not disclose the type of material from which the shaft (F) is made. However, it is well known in the art to form spokes from lightweight materials in order to reduce the weight of a wheel assembly. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the shaft of the spokes of Wilske from a light alloy in order to reduce the weight of the spoke without sacrificing strength and durability.

Wilske does not show the spoke shaft (F) including a terminal element (f) located at the end which connects to a spoke nipple (d). However, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the threaded terminal element (f) of Wilske at both ends of the spoke shaft (F), as a duplication of parts in order to allow the spoke shaft to be connected to a wheel rim and hub in any manner (i.e. making the spoke shaft omni-directional), which would reduce assembly time.

Wilske does not disclose the length of the chamber in the terminal element (f) such that the entire threaded bore is not in contact with the threaded end of the connecting element (G). However, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the threaded bore of the terminal element of Wilske with such a length that the threaded end (g) of the connecting element (G) does not completely engage the entirety of the threaded bore in order to allow adjustment of the tension of the spoke.

12. Claims 3, 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilske as applied to claims 1-2, 4, and 9-14 above, and further in view of Imao et al. Wilske does not specify that the shaft is made from a material having a mechanical strength less than that of the terminal element. Imao et al teaches the use of a spoke having terminal elements (1-2) formed from steel, while the shaft 3 is formed from a fiber reinforced material. This material would have a mechanical strength less than that of the steel.

Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the terminal end(s) of Wilske from steel while the shaft is formed from a less mechanically strong material, for the purpose of reducing the weight of the spoke (and thus the entire wheel assembly).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show spokes having at least one threaded terminal end separate from the spoke shaft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/
Primary Examiner
Art Unit 3617